IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.659 OF 2006

IN

SUMMONS FOR JUDGMENT NO. 272 OF 2005

IN

SUMMARY SUIT NO.992 OF 2002

Sudhir Dattaram Patil ....Plaintiffs.

vs.

Bombay Alums P.Ltd ....Defendants.

Mr.V.W. Apte for the plaintiffs to show cause.

Mr.K.K.V.Kurup for the defendants in support.

CORAM: S.J. VAZIFDAR, J.

NOVEMBER 15, 2006.

P.C. :

1. The Notice of Motion is filed to set aside the ex-parte decree passed on 7/10/2005. The decree was passed by me. My normal assignment at that time was

on a Division Bench. As the Division Bench was not constituted on 7/10/2005 I was assigned to hear Summons for Judgment only on that date.

2. Probably due to this reason, the advocate for the defendant remained absent. In the circumstances, Notice of Motion is made absolute in terms of prayer clause (a).

sd/-

(S.J.VAZIFDAR, J)